(5)

SUPREME COURT OF THE UNITED STATES

UNITED STATES *v.* JOSEPH BENCHIMOL

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 84–1165. Decided May 13, 1985

JUSTICE BRENNAN, with whom JUSTICE MARSHALL joins, dissenting.

The Court today continues its unsettling practice of summarily reversing decisions rendered in favor of criminal defendants, based not on broad principle but on idiosyncratic facts and without full briefing or oral argument. See, *e. g.*, *United States* v. *Gagnon*, —— U. S. ——, —— (1985) (BRENNAN, J., dissenting); *Florida* v. *Meyers*, —— U. S. ——, —— (1984) (STEVENS, J., dissenting); *Wyrick* v. *Fields*, 459 U. S. 42, 50 (1982) (MARSHALL, J., dissenting). Because I find this one-sided practice of summary error correction* inappropriate, I would vote merely to deny this petition for certiorari. Accordingly, I respectfully dissent.

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*There have been summary reversals in 27 noncapital cases involving criminal convictions over the last four Terms. Twenty-four of these favored the warden or the prosecutor. See *ante*, at 4; *United States* v. *Gagnon*, —— U. S. —— (1985) *(per curiam)*; *United States* v. *Woodward* —— U. S. —— (1984) *(per curiam)*; *Florida* v. *Rodriguez* —— U. S. —— (1984) *(per curiam)*; *Massachusetts* v. *Upton*, —— U. S. —— (1984) *(per curiam)*; *Florida* v. *Meyers*, —— U. S. ——, ——, and n. 3 (1984) *(per curiam)* (STEVENS, J., dissenting) (collecting cases).